THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20264 of 2006

27.9.2006

Between:

Gudla Krishna Reddy, S/o.late Appala Reddy

… Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20264 of 2006

ORDER:

The petitioner is statedly inherited the land admeasuring Acs.2.98 in survey No.168/4 situated at Chippala Village of Bheemunipatnam Mandal in Visakhapatnam District District from his father, after his death, in 2003. Since then he is in absolute possession and enjoyment of the property. As the petitioner intends to gift the property to his wife Smt.Sneha Latha, he executed gift deed dated 16.9.2006 and after payment of necessary charges by way of challan, presented the document before the third respondent. However, the third respondent refused to register the same on the ground that the property in survey No.168/4 was notified in G.O.Ms.No.1015, 01.10.2003 under Section 22-A of the Registration Act, 1908 (the Act, for brevity), as opposed to public policy. The petitioner, therefore, filed the present writ petition, challenging the said Government Order.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006, and therefore, the impugned Government Order cannot be sustained. Following the same, the writ petition is disposed of, directing the Sub-Registrar or any Registering Officer to accept the document presented by the petitioner and to consider the same for registration. Be it noted, for any reason, if the document cannot be registered, it is incumbent on the part of the Registering Officer to

record and furnish reasons under Section 71 of the Registration Act to the petitioners.

The writ petition, subject to the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

September 27, 2006.
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456